LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW. 30 LCA. 1976.

Bangalore dated 23rd April 1976.

Ordered that the Supreme Court Judges (Conditions of Service) Amendment Act, 1976 (Central Act No. 36 of 1976) published in Part II, Section I of the *Gazette of India*, Extraordinary dated 19th March 1976 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

B. NAGESHA RAO,

Under Secretary to Government,
Department of Law and Parly. Affairs.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 19th March 1976/phalguna 29, 1897 (Saka)

The following Act of Parliament received the assent of the President on the 18th March 1976, and is hereby published for general information:—

THE SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1976

No. 36 of 1976.

[18*th March* 1976]

An Act further to amend the Supreme Court Judges (Conditions of Service) Act, 1958.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follow:

1. Short title and commencement.—(1) This Act may be called the Supreme Court Judges (Conditions of Service) Amendment Act, 1976.

(2) It shall be deemed to have come into force on the 1st day of October, 1974.

2. Amendment of section 14.—In the Supreme Court Judges (Conditions of Service) Act, 1958 (41 of 1958.) (hereinafter referred to as the principal Act), section 14 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Notwithstanding anything contained in sub-section (1), any Judge to whom that sub-section applies and who is in service on or after the 1st day of October, 1974, may, if he has elected under the proviso to that sub-section to receive the pension payable to him under Part II or, as the case may be, Part III of the Schedule before the date on which the Supreme Court Judges (Conditions of Service) Amendment Act, 1976, receives the assent of the President cancel such election and elect afresh to receive the pension payable to him under Part I of the Schedule and any such Judge who dies before the date of such assent, shall be deemed to have elected afresh to be governed by the provisions of the said Part I if the provisions of that Part are more favourable in his case."

3. Insertion of new section 16A.—After section 16 of the principal Act, the following section shall be inserted namely:—

"**16A. Family pension and gratuity.**—(1) The rules, notifications and orders for the time being in force with respect to the grant of family pension in relation to an officer of the Central Civil Services, Class I, shall apply to the grant of family pension in relation to a Judge who be

ing in service on or after the 1st day of October, 1974, dies, whether before or after retirement, in circumstances to which section 16 does not apply.

(2) The rules, notifications and orders for the time being in force with respect to the grant of death-cum-retirement gratuity benefit to or in relation to an officer of the Central Civil Services, Class I (including the provisions relating to deductions from pension for the purpose) shall apply to or in relation to the grant of death cum-retirement gratuity benefit to or in relation to a Judge who, being in service on or after the 1st day of October, 1974, retires or dies in circumstances to which section 16 does not apply, subject to the modifications that—

(i) the minimum qualifying service for the purpose of entitlement to the gratuity shall be two years and six months;

(ii) the amount of gratuity shall be calculated on the basis of twenty days' salary for each completed year of service as a Judge; and

(iii) the maximum amount of gratuity payable shall be thirty thousand rupees.

Explanation.—In this section, the expression "Judge" has the same meaning as in section 13'.

4. **Insertion of new sections 23A, 23B and 23C.**—After section 23 of the principal Act, the following sections shall be inserted, namely:—

23A. Conveyance allowance.—Every Judge shall be entitled to a conveyance allowance of three hundred rupees per month, subject to the maintenance of a motor car by him.

23B Sumptuary allowance.—The Chief Justice and each of the other Judges shall be entitled to a sumptuary allowance of five hundred rupees per month and three hundred rupees per month respectively.

23. Medical facilities for retired Judges —Every retired Judge shall, with effect from the date on which the Supreme Court Judges (Conditions of Service) Amendment Act, 1976 receives the assent of the President, be entitled, for himself and his family, to the same facilities as respects Medical treatment and on the same conditions as a retired officer of the Central Civil Services, Class I and his family, are entitled under any rules and orders of the Central Government for the time being in force."

5. **Amendment of Section 24.**—In section 24 of the principal Act, for sub-section (3), the following sub section shall be substituted, namely:—

"(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

6. **Amendment of the Schedule.**—In the Schedule to the principal Act.—

(1) In Part I, after paragraph 5, the following paragraph shall be inserted, namely:—

'6. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October 1974, the foregoing provisions of this Part shall have effect subject to the modifications that—

(a) in paragraph 2,—

(i) in clause (b),—

(A) for the figures "470", the figures "658" shall be substituted ;

(B) for the figures "1,200", the figures "1,680" shall be substituted ;

(ii) in the proviso, for the figures "26,000", the figures "36,400" shall be substituted ;

(b) in paragraph 5, for the figures "7,500", the figures "10,500" shall be substituted'.

(2) In Part II, after paragraph 2, the following paragraph shall be inserted, namely :—

'3. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, the foregoing provisions of this Part shall have effect subjcet to the modifications that in paragraph 2,—

(i) in clause (b) for the figures "1,400", the figures "1,960" shall be substituted ;

(ii) in the proviso, for the figures "20,000", the figures "28,000" shall be substituted ;'.

(3) In Part III, after paragraph 2, the following paragraph shall be inserted, namely:...

'3, In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October 1974, the foregoing provisions of this Part shall have effect subject to the modifications that in clause (b) of paragraph 2, for the figures "500" and "2,500", the figures "700" and "3,500" shall respectively be substituted'.

K. K. Sundaram,

Secretary to the Government of India.